

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated March 11, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 17-32 are pending in the Application. Claims 17, 20, 25, and 32 are independent.

In the Final Office Action, claims 17-32 are rejected under 35 U.S.C. §112, first paragraph, as allegedly being indefinite. The rejection of claims 17-32 is respectfully traversed. The Final Office Action alleges that "playing downloadable content in coordination with stored media content does not have basis in the application as originally filed." (See page 3, last line to page 4, line 1 of the present Final Office Action.) However, the first paragraph of the PREFERRED EMBODIMENTS section of the specification states the following:

An embodiment of the present invention is shown in FIG. 1. In this embodiment, a player 3 is used to play an optical disc 2, and the player 3 is linked to a web server 4 to download contents from the web server 4 during playing, so as to cooperate with the existing content on the optical disc 2 to play the optical disc 2.

While it is true that the term "cooperate" is used rather than the term "coordinate" we believe that these terms are interchangeable and relate the same meaning. Therefore, it is believed that claims 17-32 are well supported by the specification and, thus, comply with the written description requirement. Accordingly, withdrawal of the rejection of claims 17-32 under U.S.C. §112, first paragraph is respectfully requested.

In the Final Office Action, claims 17-32 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. this rejection of claims 17-32 is respectfully traversed. It is respectfully submitted that those skilled in the art use the terms "playing" and "executing" interchangeably. It is well known that application programs are used to play back musical or video content of optical medium, e.g., DVD. It is therefore stressed that "playing" of an application program is equivalent to "executing" an application program. With regard to claim 24, asymmetric cryptography is well known. Further, claim 20 recites "a network interface" that is used to download content that includes the key to be paired with the key stored on the optical disk. Additionally, claims 17 and 32 are amended to be directed to an

"optical disk playing system for playing an optical disk" not merely an "optical disk". Finally, with regard to claims 27 and 28, the term "operate" is synonymous with "function" in this usage. Thus not operate means not function. It is respectfully submitted that the plain meaning of "not operating" and "not playing" within the context of the claims as presented both mean not functioning or the expected function not being performed. Accordingly, withdrawal of the rejection of claims 17-32 under U.S.C. §112, second paragraph is respectfully requested.

In the Final Office Action, claims 17-19 and 32 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory matter. This rejection of claims 17-19 and 32 is respectfully traversed. It is respectfully submitted that claims 17-19 and 32 are statutory. However, in the interest of advancing consideration and allowance of the claims, claims 17-19 and 32 are amended to be directed to an "optical disk playing system for playing an optical disk". It is respectfully submitted that claims 17-19 and 32 are statutory. Accordingly, withdrawal of the rejection of claims 17-19 and 32 under 35 U.S.C. §101 is respectfully requested.

In the Final Office Action, claims 17, 18, 22-25 and 29-32 are

rejected under 35 U.S.C. §103(e) over U.S. Patent No. 6,470,085 to Uranaka ("Uranaka") in view of U.S. Patent Application Publication No. 20040126095 to Tsumagari ("Tsumagari"). Claim 19 is rejected under 35 U.S.C. §103(a) over Uranaka in view of U.S. Patent No. 5,754,648 to Ryan ("Ryan"). Claims 21 and 26-28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Uranaka in view of U.S. Patent Publication No. 20020073316 to Collins ("Collins"). These rejections of the claims are respectfully traversed. It is respectfully submitted that claims 17-32 are allowable over Uranaka in view of Tsumagari, Ryan, and Collins for at least the following reasons.

Uranaka, at col. 5, line 66 through Col. 6, lines 2, states the following:

The key PK_u 31 field contains a key which has been used in encrypting each application 21 in the package 20 and which has been encrypted with a user public key (PK_u) of the user who has legally obtained the package 20.

As illustrated in Figure 2, the applications 21 and the distribution descriptor 23, which includes the key PK_u 31 (see Figure 4) are both included in the package 20. Further, at col. 15, lines 57-67 Uranaka makes clear at col. 15, lines 63-66, that:

. . . DVD player 2 tests the signature by the server 8 with a test key or the server public key PK_s contained in the PK_s field 31 of the distribution descriptor 23 recorded in the burst cutting area of the DVD 2 . . .

In other words Uranaka shows verifying the server, not whether the applications downloaded from the server were compromised as explained for example at page 4, lines 3-11 of Uranaka.

Tsumagari does not remedy the deficiency of Uranaka, it similarly does not disclose any medium embedded key for authenticating applications downloaded from websites.

It is respectfully submitted that the system of claim 17 is not anticipated or made obvious by the teachings of Uranaka and Tsumagari. For example, Uranaka and Tsumagari do not disclose or suggest, (illustrative emphasis added) "a public key which is used by the optical disk playing system to verify the authenticity of the downloadable content before the downloadable content is played in coordination with the associated stored media content" as recited in claim 17 and as similarly recited in each of claims 20, 25, and 32.

As discussed in the response to the previous Office Action, it is respectfully submitted that the process of authenticating a server is not the same as authenticating content downloaded from a

server as readily appreciated by a person of ordinary skill in the art.

Ryan and Collins, are introduced for allegedly showing elements of the dependent claims and as such, do not cure the deficiencies in Uranaka and Tsumagari.

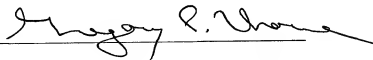
Based on the foregoing, the Applicants respectfully submit that independent claims 17, 20, 25, and 32 are patentable over Uranaka and Tsumagari and notice to this effect is earnestly solicited. Claims 18-19, 21-24, and 26-31 respectively depend from one of claims 17, 20, and 25 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position,

should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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